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17 Attorneys for Protestants Local Agencies of the North Delta

18 [ADDITIONAL COUNSEL LISTED ON FOLLOWING PAGE]

19 **BEFORE THE**
20 **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

21 HEARING IN THE MATTER OF
22 CALIFORNIA DEPARTMENT OF WATER
23 RESOURCES AND UNITED STATES
24 BUREAU OF RECLAMATION
25 REQUEST FOR A CHANGE IN POINT OF
26 DIVERSION FOR CALIFORNIA WATER FIX

27 **STATEMENT OF QUALIFICATIONS OF**
28 **MARC DEL PIERO**
(Part 2 Case in Chief)

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23 Attorneys for Protestants County of San Joaquin,
24 San Joaquin County Flood Control and
25 Water Conservation District, and
26 Mokelumne River Water and Power Authority
27
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1 EDUCATION

2 1978 Santa Clara University School of Law-Doctor of Jurisprudence (J.D.)
3 1975 Santa Clara University-Bachelor of Arts in History (B.A.)

4 CERTIFICATIONS/LICENSES

5 State Bar of California, 1980 (SBN 91644)
6 U.S. Army Armor School-Certificate of Completion, Armor Officer Basic Course, Fort
7 Knox, Kentucky, 1979

8 SELECTED MEMBERSHIPS AND PROFESSIONAL ORGANIZATIONS

9 California Bar Association, 1980-present
10 Monterey County Agricultural and Historical Land Conservancy, 1984-present
11 The King Foundation for Constitutional Studies (2015-2017)
12 Monterey Bay National Marine Sanctuary Advisory Council, 1992-1999
13 California State Water Archives Board, 1998-2001
14 Monterey Bay Unified Air Pollution Control District, 1981-1992
15 Monterey County Transportation Commission, 1979-1992
16 Central Valley Project (USBR), San Felipe Division, 1981-1986
17 Monterey County Water Resources Agency Board of Directors, 1981-1992
18 County Supervisors Association of California, 1981-1992

19 EXPERIENCE

20 ATTORNEY/TRUSTEE/CONSULTANT

21 From 1999 to 2013, Mr. Del Piero served as chief counsel for the Mendocino County
22 Russian River Flood Control and Water Conservation District. He was responsible for
23 over sixty water supply contracts with the majority of all vintners and agri-business
24 companies in the Ukiah Valley. He actively worked to preserve the District's water
25 rights for its urban, residential, and agricultural constituencies. He was also actively
26 involved in protecting the anadromous fisheries and water quality of the Russian River.
27 Mr. Del Piero developed several major public utility and water development projects for
28 his other public agency clients. He served as Counsel for Pajaro-Sunny Mesa
Community Services District (PSMCS D) from 1999 to 2010 and assisted that agency
in completing a large pipeline construction project and the annexation of 15 separate
private water systems into the PSMCS D boundaries. He also coordinated planning for
the district's desalination plant. Mr. Del Piero was certified as a Temporary Judge by
the judges of the Monterey County Superior Court in January, 2007 for a three-year
term. In 2008, he was appointed by the United States Trustee (U.S. Department of
Justice) for the U.S. Bankruptcy Court (Northern California) as a Chapter 7 Bankruptcy
Trustee.

As a recognized expert in California groundwater rights law and the public trust
doctrine, Mr. Del Piero has taught classes on California groundwater rights, including

1 classes on the public trust doctrine sponsored by the State Water Resources Control
2 Board. From 1992 to 2011, Mr.

3 Del Piero taught California Water Law at Santa Clara University School of Law. He has
4 also testified as an expert witness on water quality and water rights issues.

5 In 1984, Mr. Del Piero founded, served as the first Chairman (six years), and continues
6 to serve on the Board of Directors of the Monterey County Agricultural Land
7 Conservancy, a large farmland preservation trust. The Conservancy has permanently
8 protected and preserved over 31,000 acres of Monterey County farmland and open
9 space from the threat of urban sprawl and development. The Conservancy continues
10 to work cooperatively with landowners and farming interests to economically enhance
11 and preserve the viability of agriculture while reducing carbon emissions and
12 preserving our state's open space areas.

13 Throughout 2003, Mr. Del Piero was engaged by Interstate Technology and
14 Resources Council (ITRC), a nationwide environmental affairs agency representing 47
15 state governments, to oversee the preparation of uniform protocols addressing the
16 rehabilitation and redevelopment of previously contaminated "brownfields" sites.

17 He currently is a member of the California Stewardship Council for the American
18 Farmland Trust, the largest agricultural land trust in the nation.

19 Mr. Del Piero has represented and advised public agencies, non-profit organizations,
20 private entities with significant water rights and water quality issues, and agri-business
21 enterprises. His work as an attorney and mediator encompasses business disputes,
22 real estate and land use development disputes involving CEQA issues, coastal zone
23 resources, environmental resources protection, and agricultural land use issues.
24 During his professional and regulatory career, he has been responsible for drafting,
25 reviewing, voting upon (either to adopt or deny), and certifying over 150 Environmental
26 Impact Reports (EIR's) and hundreds of negative declarations on "projects" pursuant
27 to CEQA.

28 January 1992 – April 1999

MEMBER, CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

Mr. Del Piero served for over seven years as the attorney member of the California
State Water Resources Control Board ("SWRCB"). The SWRCB is the statutory
agency charged with protecting all of California's water supplies, the quality of its
waters, and its environmental resources, including the Sacramento-San Joaquin Delta.
The SWRCB, which implements and enforces both the federal Clean Water Act and
California's Porter Cologne Act, also allocates surface water supplies for fishery,
agricultural, urban consumption, and environmental purposes throughout the state.

Twice appointed by the Governor and confirmed unanimously by the California State
Senate, Mr. Del Piero conducted extensive and numerous water rights and water

1 quality hearings affecting the Central Valley Project (CVP) and the State Water
2 Project, federal and state endangered species and fisheries issues, urban water
3 quality and supply demands, agricultural irrigation water demands, Delta water quality
4 requirements, and “public trust” issues. He is perhaps best known for Decision 1631,
5 the “Mono Lake Decision,” and WR 95-4 (the “Big Bear” decision). Both addressed
6 significant public trust issues that were resolved by the SWRCB. The Mono Lake
7 hearing lasted for 44 days, involved 14 parties and 19 attorneys, and ended twenty
8 years of litigation and controversy between the Los Angeles Department of Water and
9 Power and the Committee to Save Mono Lake/National Audubon Society. This
10 decision, which required the City of Los Angeles to increase lake levels and restore
11 much of the lake’s tributary ecosystems, set a significant precedent for the protection
12 and restoration of public trust resources in California streams. It also guaranteed a
13 sustainable, long-term water supply for the City of Los Angeles.

14 Mr. Del Piero was appointed as the California Environmental Protection Agency’s
15 Dredging Coordinator for all dredging and related water quality and port issues in the
16 State. This assignment included particular emphasis on protection of the San
17 Francisco Bay and the Delta of the Sacramento-San Joaquin Rivers. He served on the
18 20-member group with the U.S. Army Corps of Engineers that prepared the Long-Term
19 Dredging Disposal Plan for all harbors in San Francisco Bay. Further, Mr. Del Piero led
20 three separate training task forces to Chile between 1995 and 1998 at the invitation of
21 US EPA and the Chilean National Commission on the Environment. He conducted
22 numerous classes on the development of water supply and water quality regulations,
23 seawater desalination, and regulatory enforcement strategies.

24 Del Piero represented the SWRCB on the Governor’s Interagency Task Force on
25 Wetlands that developed mitigation and restoration policies for wetlands lost due to
26 development. For six years, he chaired the statewide task force that established state
27 guidelines and standards for the development, use, and reuse of both desalinated
28 seawater and reclaimed wastewater in new developments. Additionally, the SWRCB
operates California’s underground storage tank cleanup program, and he represented
the Board on the state task force on clean-up strategies for the gasoline additive
MTBE in 1999.

Mr. Del Piero represented the California Environmental Protection Agency for seven
years on the National Oceanic and Atmospheric Administration’s (NOAA) Monterey
Bay National Marine Sanctuary Advisory Council.

January 1981 – January 1992

COUNTY SUPERVISOR, MONTEREY COUNTY BOARD OF SUPERVISORS

Mr. Del Piero served for three consecutive terms on the Monterey County Board of
Supervisors, and served as Chair in 1982 and 1988. Elected in 1981 to represent
Northern Monterey County, the City of Marina, and the City of Salinas, he is
recognized as a specialist in coastal resources management and planning. He was

1 responsible for the development of five public sanitary sewer systems, four public
2 water systems, three congregate nutrition and service centers for senior citizens, two
3 flood control districts, and a daycare facility for the children of migrant workers. He co-
4 authored the first local ordinance regulating the development of seawater desalination
5 plants in 1989.

6 With then Monterey County Supervisor Sam Karas and then Carmel Mayor Clint
7 Eastwood, Supervisor Del Piero raised significant funds to develop a replacement
8 housing program for homeless migrant farm workers after the Loma Prieta earthquake.
9 He has participated in writing numerous general plans and local coastal plans for
10 Monterey County, and was the founder and Monterey County representative on the
11 Central Coast Regional Studies Program, a four-year effort by six coastal counties to
12 develop environmental and economic studies to control the potential impacts of the
13 Interior Department's then proposed off-shore oil lease plans. Del Piero was appointed
14 by then Congressman Leon Panetta and served on the founding committee that
15 developed the plan for the Monterey Bay National Marine Sanctuary, then the largest
16 marine sanctuary in the United States.

17 Mr. Del Piero also served on the Monterey Bay Unified Air Pollution Control District, a
18 multi-county air pollution control agency, for eleven years. During his tenure as chair,
19 the District adopted the first local air toxics rule in California and adopted the first air
20 pollution regulation requiring coordination of urban growth with air emission goals.

21 Mr. Del Piero served for six years on the Board of Directors of the San Felipe Division
22 of the Central Valley Project. This water system, operated by the U.S. Bureau of
23 Reclamation, serves four counties and the Silicon Valley area.

24 January 1978 – 1981

25 MONTEREY COUNTY PLANNING COMMISSION

26 Mr. Del Piero served for three years on the Monterey County Planning Commission.
27 During that time, he helped prepare and gained certification for the North Monterey
28 County Local Coastal Plan that developed regulations to preserve and protect the
Elkhorn Slough National Estuarine Reserve. He also participated in the drafting and
approval of the Big Sur Local Coastal Plan that guaranteed the preservation of over 70
miles of one of the most ecologically significant coastal areas on the Pacific Rim.

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